

Draft Order laid before Parliament under section 41(2) of the Employment Tribunals Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

EMPLOYMENT TRIBUNALS

**The Employment Tribunals Act 1996
(Tribunal Composition) Order 2009**

Made - - - - *****
Coming into force - - *6th April 2009*

A draft of this Order was laid before Parliament in accordance with section 41(2) of the Employment Tribunals Act 1996(1) and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State and the Lord Chancellor, acting jointly in exercise of the powers conferred upon them by section 4(4)(2) of that Act, make the following Order:

Citation and commencement

1. This Order may be cited as the Employment Tribunals Act 1996 (Tribunal Composition) Order 2009 and shall come into force on 6th April 2009.

Amendment to the Employment Tribunals Act 1996

2. In section 4(3)(3) of the Employment Tribunals Act 1996, after paragraph (cd), there is inserted

—
“(ce) proceedings on a complaint under regulation 30 of the Working Time Regulations 1998(4) relating to an amount due under regulation 14(2) or 16(1) of those Regulations,

(1) 1996 c.17.
(2) Section 4(4) was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), section 48(1), and Schedule 8, paragraphs 35 and 38.
(3) Section 4(2) which is relevant to section 4(3) was amended by the Tribunals, Courts and Enforcement Act 2007 (c.15), section 48(1) and Schedule 8, paragraphs 35 and 37. Section 4(3) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), sections 1(2)(a), 3(1) to (5), 15, Schedule 1, paragraphs 12(1) and (3) and Schedule 2; Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/426), regulation 20, Schedule 2, paragraph 8; and the National Minimum Wage Act 1998 (c. 39), section 27(1).
(4) S.I. 1998/1833, amended by SI 2001/3256, SI 2003/1684, SI 2004/752, SI 2007/2079; there are other amending instruments but none is relevant to this Order.

- (cf) proceedings on a complaint under regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003⁽⁵⁾ relating to an amount due under regulation 11 of those Regulations,
- (cg) proceedings on a complaint under regulation 18 of the Civil Aviation (Working Time) Regulations 2004⁽⁶⁾ relating to an amount due under regulation 4 of those Regulations,
- (ch) proceedings on a complaint under regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004⁽⁷⁾ relating to an amount due under regulation 11 of those Regulations.”.

Name
Minister of State for Employment Relations and
Postal Affairs
Department for Business, Enterprise and
Regulatory Reform

Date

Signed by the authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

(5) [S.I. 2003/3049](#), to which there are amendments not relevant to this Order.
(6) [S.I. 2004/756](#), to which there are amendments not relevant to this Order.
(7) [S.I. 2004/1713](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 4(3) of the Employment Tribunals Act 1996 which details the proceedings which may be heard by an Employment Judge when sitting alone. The amendments contained in this order enable proceedings, in respect of payments relating to leave entitlement, under the Working Time Regulations 1998; Merchant Shipping (Working Time: Inland Waterways) Regulations 2003; Civil Aviation (Working Time) Regulations 2004; and Fishing Vessels (Working Time: Sea-fisherman) Regulations 2004 to be heard by an Employment Judge alone.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.